

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 17, 2003 AT 5:30 P.M.**

The Meeting was called to order at 5:36 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

NEWMAN Having been appointed to read the minutes of the City Council proceedings of November 3, 2003, reported having done so, found same correct.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

Councilman Newman moved to amend the agenda to have public hearing on Items 7, 8, and 9 prior to Item 6.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF KWIK SHOP INC. DBA KWIK SHOP #619 FOR A CLASS D LIQUOR LICENSE AT 2302 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF MARY E. HOAGE FOR KWIK SHOP INC. DBA KWIK SHOP #619 AT 2302 CORNHUSKER HIGHWAY - Bill Austin, Erickson & Sederstrom, 301 S. 13<sup>th</sup> St., Ste. 400, Lincoln, NE, took oath and came forward to request a conditional license until a special use permit is granted to have a liquor license at this property. Discussion followed.

Mary Hoage, 11120 N.136<sup>th</sup> Street, Waverly, NE, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF THOMAS R. ALESSI FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - John Boehm, 811 S. 13<sup>th</sup> Street, Lincoln, NE, took oath and came forward representing Red Robin International, Inc. He stated that Mr. Alessi has been in the restaurant business since 1985 and will attend the RHC class in January. He will manage only the Lincoln business.

Thomas R. Alessi, 386 N. 119<sup>th</sup> Plaza #10, Omaha, NE, took oath & came forward to answer questions.

This matter was taken under advisement.

APPEAL OF DANNY WALKER ON BEHALF OF THE SOUTH SALT CREEK COMMUNITY ORGANIZATION FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 2038 FOR AUTHORITY TO OPERATE A SALVAGE YARD ON APPROXIMATELY 27,000 SQ. FT. ON PROPERTY GENERALLY LOCATED AT SOUTH 3RD AND GARFIELD STREETS. VACATING S.W. 12TH STREET SOUTH OF LAKE STREET AND EAST OF LOT 1, BLOCK 3, VESTECKA'S VILLA VAN DORN ADDITION Danny Walker, 427 E St., stated this salvage yard is in the floodplain and is no benefit to this area.

Barbara Bauer, 2321 Devonshire, came forward against Special Permit 2038.

Craig Groat, 4935 Huntington Avenue, read Nebraska Administrative Code Title 258, Chapter 1, Rules and Regulations concerning minimum standards for floodplain management programs.

Omadean Talley, no address given, came forward against Special Permit 2038.

Mark Hunzeker, 530 S. 13<sup>th</sup> St., Suite B, came forward representing Brit Baer for approval of Special Permit 2038.

Nicole Fleck-Tooze, Public Works & Utilities Department, came forward to answer questions.

Brit Baer stated he follows strict enforcement of fluid management and recycling. Discussion followed.

Danny Walker, 427 E St. came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR RIGHT-OF-WAY ACQUISITION, DESIGN, AND CONSTRUCTION ON SOUTH 98TH STREET TO OPEN ONE MILE OF NEW ROAD BETWEEN A STREET AND O STREET - Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to explain the amendment proposed is to make a correction.

Councilman Friendt requested a map showing what is already there.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.48 ENTITLED THE LINCOLN SMOKEFREE AIR ACT TO SET FORTH THE TITLE AND PURPOSE OF THE CHAPTER, TO SET FORTH GENERAL PROVISIONS REGARDING DEFINITIONS USED IN THE CHAPTER, TO PROVIDE DEFINITIONS FOR EMPLOYEE, EMPLOYER, GUESTROOM OR SUITE, HEALTH DIRECTOR, INDOOR AREA, INTERNATIONAL NO-SMOKING SYMBOL, PLACE OF EMPLOYMENT, PROPRIETOR, PUBLIC PLACE, SMOKE OR SMOKING, RESPECTIVELY, TO PROVIDE EXCEPTIONS TO THE PROVISIONS OF THE CHAPTER; TO REQUIRE THE POSTING OF "NO SMOKING" SIGNS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER, TO PROVIDE FOR SEVERABILITY OF THE CHAPTER, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE SIX MONTHS AFTER CITY COUNCIL APPROVAL - Chairman Camp read 18 proposed amendments prior to testimony.

Dr. Ed Schneider, 7641 Leighton, President of Lincoln Lancaster Board of Health, came forward in support. Discussion followed.

Stan Dinges, 1331 Evergreen Dr., came forward in opposition.

Dr. Michelle Petersen, Pediatrician, no address given, came forward in support. Discussion followed.

Matt Smith, 6411 Skylark Lane, came forward in opposition.

Connie Oubre, 3027 N.W. 52nd Street, came forward in support.

John Davis, 1116 S. 2<sup>nd</sup> Street, Nebraska City, came forward in opposition. Discussion followed.

Karen Heusel, 914 L Street, Executive Director of Lincoln Council on Alcohol and Drugs, came forward in support.

Roy Houser, 5512 Shady Creek Ct., owner of Bleachers, came forward in opposition.

TOOK BREAK 7:37 P.M.

RECONVENED 8:05 P.M.

Dave Holmquist 5733 S. 34<sup>th</sup> Street, came forward in support.

Terry Hochreiter, 2028 N. 31<sup>st</sup> Street, came forward in opposition.

Tim Vaski, 5535 Palace Ct., came forward as an employee of Brazenhead in support.

Brian Kitten, 625 S. 14<sup>th</sup> Street, Owner of Brewsky's, came forward in opposition. Discussion followed.

Todd Paddock, 1508 Irving St., came forward in support.

Dan Pankow, 11248 J. Gait Blvd, CEO of Big Red Keno, came forward in opposition. Discussion followed.

Dick Patterson, 230 S. 29<sup>th</sup> Street, came forward in support.

Mike Von Busch, 5123 Constitution Avenue, owner of Travelers, came forward in opposition. Discussion followed.

Walt Canney, 8239 Dorset Dr., came forward in support.

Daniel Kreis, 941 Washington, came forward in opposition.

Doug Zatechka, 3701 Savannah Cr., came forward in support. Discussion followed.

Dean Rasmussen, 6940 A Street, owner of Grandmother's Restaurant & Lounge and Don & Millie's Restaurant came forward in opposition. Discussion followed.

Donna Coleman 3136 Orchard, came forward in support.

Robert Jergensen, 5444 W. Brixton, owner of P.O. Pears, came forward in opposition. Discussion followed.

Dr. Dan Noble, no address given, came forward in support. Discussion followed.

Dana Roper, City Attorney, requested that the scientific studies from Health Dept. be marked as an exhibit.

Teri Ernisse, 1029 M Street, owner of Silver Spoke Saloon, came forward in opposition.

Aly Nutter, 5120 Emerald Dr. #3, came forward in support.

Mary Rauner, 1820 Surfside Dr., BC Pub Manager, came forward in opposition. Discussion followed.

Dr. Lisa Peterson, 502 Haverford Dr., Family Practitioner, came

forward in support.

Danny Walker, 427 E Street, came forward in opposition.

TOOK BREAK 10:30 P.M.

RECONVENED 10:50 P.M.

Dr. Marlon Wiess, 600 N. Cotner, came forward in support.

Kathy Siefken, 5533 S. 27<sup>th</sup> St. #104, representing the Nebraska Grocery Association came forward in opposition. Discussion followed.

Dr. Bob Rauner, 6421 Carlsbad Dr., came forward in support.

Mary Jones, 621 Surfside Dr. #235, owner of Mary's Place, came forward in opposition.

Dr. John Trapp, 1500 S. 48<sup>th</sup> Street, came forward in support.

Virginia Rothwell, 5840 S. 52<sup>nd</sup> Street, Apt. 2, came forward in opposition.

Dr. Les Spry, 7441 O Street, representing the Nebraska Department of Health came forward in support.

Greg Garnes, 6921 Bernese Blvd., representing Shoemaker's, came forward in opposition.

Dr. Bill Johnson, Pulmonologist, came forward in support.

Dale Weber, 2810 Garfield, came forward in opposition.

Dr. Matthew Glenn, 1240 Aries Dr., came forward in support.

Ken Gobber, 1745 S. 11<sup>th</sup> Street, came forward in opposition.

Cal Hansen, 3940 Cornhusker, came forward in opposition.

Dr. Cary Peterson, no address given, came forward in support.

Leanne Osander, 4800 W. O Street, came forward in opposition.

Bruce McIntosh, 205 N. Mears, Chadron, NE, representing the Sierra Club Nebraska came forward in support.

Travis Longford, 1202 Otoe, owner of Grapevine, came forward in opposition.

Ginny Wright, 814 Lyncrest Dr., came forward in support.

Nate Neufind, 9020 Gary Cr., Omaha, NE, came forward in opposition.

Robert Aguirre, 7409 S. 48<sup>th</sup> Street, came forward in support.

Frank Delgado, 3325 P Street, came forward in opposition.

Jeremy Murphy, 7411 S. 21<sup>st</sup> Street, Attorney, came forward in support.

Robert Way, 5929 Lee Cr., came forward in opposition.

Craig Groat, 4935 Huntington Avenue, came forward in support.

Doug Farmer, 1860 Harrison Avenue, musician, came forward in opposition.

Bailey Heafer, 2200 Pester Ridge Rd., came forward in support.

Tom Morrissey, 4510 S. 49<sup>th</sup> Street, came forward and presented 20,000+ petition signatures in opposition.

Cindy Wostrel, 5232 Patmore Rd., associated with Tobacco Free Lincoln came forward in support.

Rick Taylor, 5919 Norman Rd., came forward in opposition.

Wes Beal, 2535 B Street #2, came forward in support.

Don Marti, 3760 Everett Street, came forward in opposition.

Brian Krannwitter, 5021 W. St. Paul, came forward in support.

Kara Kugler, 200 S. 18<sup>th</sup> Street, came forward in opposition.

Barbara Bauer, 2321 Devonshire, came forward in support.

Don Arena, 1200 W. Burnham, owner of Red Fox Steakhouse, came forward in opposition. Discussion followed.

Jeff Scheffert, 2725 A Street, bartender at Poor Mac's came forward in opposition.

Stephanie Maser, 2543 B Street, owner of Critter's came forward in opposition.

Connie Davison, 234 A Street, came forward in opposition.

Antoinette Cox-Burress, 807 W. Beal Street, came forward in opposition.

Janette Karst, 1403 E Street #302, came forward in opposition.

Scott Clifford, 1601 S 8<sup>th</sup> Street, employee of Duffy's Tavern, came forward in opposition.

Pete Watters, 2735 Everett Street, part owner of the Zoo Bar came forward in opposition.

Brenda Amen, 5411 Quail Ridge Cr., Harry's Wonder Bar, came forward in opposition.

Linda Mueller, 3921 Village Ct., came forward in opposition.

MISCELLANEOUS BUSINESS - NONE

**\*\* END OF PUBLIC HEARING \*\***

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APPLICATION OF KWIK SHOP INC. DBA KWIK SHOP #619 FOR A CLASS D LIQUOR LICENSE  
AT 2302 CORNHUSKER HIGHWAY - CLERK read the following resolution,  
introduced by Terry Werner, who moved its adoption for denial:

A-82451 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kwik Shop Inc. dba Kwik Shop #619 for a Class "D" liquor license for the license period ending April 30, 2004, at 2302 Cornhusker Highway, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

2. The City Council has determined that the existing licenses are adequately serving the area.

3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

4. The applicant has not demonstrated the propriety of the issuance of such license.

5. The issuance of the license will not be required by the present or future public convenience and necessity.

6. The applicant has failed to obtain a special permit under applicable provisions of the City's zoning restrictions.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Terry Werner

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF MARY E. HOAGE FOR KWIK SHOP INC. DBA KWIK SHOP #619 AT  
2302 CORNHUSKER HIGHWAY - CLERK read the following resolution,  
introduced by Annette McRoy, who moved its adoption for approval:

A-82452 WHEREAS, Kwik Shop Inc. dba Kwik Shop #619 located at 2302 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Mary E. Hoage be named manager;

WHEREAS, Mary E. Hoage appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Mary E. Hoage be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, McRoy, Newman, Svoboda; NAYS: Cook, Friendt, Werner.

MANAGER APPLICATION OF CHRISTOPHER M. THOMSON FOR YANKEE HILL DEVELOPMENT LLC  
DBA YANKEE HILL COUNTRY CLUB AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82453 WHEREAS, Yankee Hill Development LLC dba Yankee Hill Country Club located at 7600 San Mateo Lane, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Christopher M. Thomson be named manager;

WHEREAS, Christopher M. Thomson appears to be a fit and proper

person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Christopher M. Thomson be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF THOMAS R. ALESSI FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82454 WHEREAS, Red Robin International, Inc. dba Red Robin America's Gourmet Burgers & Spirits located at 2707 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Thomas R. Alessi be named manager;

WHEREAS, Thomas R. Alessi appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas R. Alessi be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 2ND READING

VACATING S.W. 12TH STREET SOUTH OF LAKE STREET AND EAST OF LOT 1, BLOCK 3, VESTECKA'S VILLA VAN DORN ADDITION - CLERK read an ordinance, introduced by Glenn Friendt, vacating a portion of S.W. 12<sup>th</sup> Street lying south of West Lake Street and east of Lot 1, Block 3, Vestecka's Villa Van Dorn Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.48 ENTITLED THE LINCOLN SMOKEFREE AIR ACT TO SET FORTH THE TITLE AND PURPOSE OF THE CHAPTER, TO SET FORTH GENERAL PROVISIONS REGARDING DEFINITIONS USED IN THE CHAPTER, TO PROVIDE DEFINITIONS FOR EMPLOYEE, EMPLOYER, GUESTROOM OR SUITE, HEALTH DIRECTOR, INDOOR AREA, INTERNATIONAL NO-SMOKING SYMBOL, PLACE OF EMPLOYMENT, PROPRIETOR, PUBLIC PLACE, SMOKE OR SMOKING, RESPECTIVELY, TO PROVIDE EXCEPTIONS TO THE PROVISIONS OF THE CHAPTER; TO REQUIRE THE POSTING OF "NO SMOKING" SIGNS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER, TO PROVIDE FOR SEVERABILITY OF THE CHAPTER, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE SIX MONTHS AFTER CITY COUNCIL APPROVAL - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.48 entitled the Lincoln Smokefree Air Act to set forth the title and purpose of the Chapter, to set forth general provisions regarding definitions used in the Chapter, to provide definitions for employee, employer, guestroom or suite, health director, indoor area, international no-smoking symbol, place of employment proprietor, public place, smoke or smoking, respectively, to provide exceptions to the provisions of the chapter; to require the posting of "no smoking" signs, to provide for the enforcement of the provisions of the chapter to provide penalties for violations of the chapter, to provide for severability of the chapter, and providing that this ordinance shall become effective six months after City Council approval, the second time.

RESOLUTIONS

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF THE LINCOLN REGIONAL CENTER PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF WEST VAN DORN AND SOUTH FOLSOM STREET. (IN CONNECTION W/03-156) - PRIOR to reading:

COOK Moved to delay action w/continued public hearing on Bill No. 03R-314 to 12/01/03.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPEAL OF DANNY WALKER ON BEHALF OF THE SOUTH SALT CREEK COMMUNITY ORGANIZATION FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 2038 FOR AUTHORITY TO OPERATE A SALVAGE YARD ON APPROXIMATELY 27,000 SQ. FT. ON PROPERTY GENERALLY LOCATED AT SOUTH 3RD AND GARFIELD STREETS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82455 WHEREAS, Britt Baer has submitted an application designated as Special Permit No. 2038 for authority to operate a salvage yard on approximately 27,000 square feet on property generally located at South 3rd and Garfield Streets, and legally described to wit:

Lots 33 through 37, Block 6, and Lots 14 through 17, Block 7, Hull's South Addition, located in the Northwest Quarter of Section 35, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on October 15, 2003 and conditionally approved Special Permit No. 2038; and

WHEREAS, Danny Walker on behalf of the South Salt Creek Community Organization has appealed the action of the Lincoln City-Lancaster County Planning Commission approving Special Permit No. 2038; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this salvage operation will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Britt Baer, hereinafter referred to as "Permittee", to operate a salvage yard be and the same is hereby granted under the provisions of Section 27.63.500 the Lincoln Municipal Code upon condition that the operation of said salvage yard be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a salvage yard.
2. Before occupying the building and using the premises for a salvage yard:
  - a. The Permittee must submit an acceptable, revised final site plan along with eight copies to the Planning Department showing the following revisions:

- i. Revise the legal description to include Lot 37.
- ii. Remove the word "existing" from the labels of the various elements on the drawing.
- iii. Show the height of each fence segment.
- iv. Add a note stating outdoor storage of salvage material will not exceed the height of the fence.
- v. Add a note stating all perimeter fencing must be opaque. Chain link fencing is not permitted for perimeter fences, whether with or without slats.
- vi. Add a note stating fences will be a neutral color.
- vii. Add a note stating fence gates leading to outdoor storage areas will remain closed at all times, unless salvage material is being transported into or out of the storage area.

- viii. Identify the use of the area located north of the building on Lots 36 and 37.
- b. The construction plans must conform to the approved plans.
- c. Applicant must receive a Section 404 Permit or a Letter of No Effect from the Army Corps of Engineers.
- d. The applicant shall receive a Flood Plain Development Permit from Building and Safety in conformance with Lincoln Municipal Code.
- e. A fence must be constructed along the west line of Lots 33 through 37, Block 6. Fences constructed across both alleys must be removed. Alternatively, applicant may request to vacate and purchase the alleys.
- f. Install mooring as shown on the approved plan.
3. The operation and use must conform to Chapter 5.41 for "Salvaging, Recycling, and Composting Operations" and 8.26 for "Nuisance" of the Lincoln Municipal Code, as amended.
4. Receiving areas for salvage material must be designed to avoid the depositing of salvage material outside a building or outside screened storage areas.
5. Salvage material kept outside a building must not be located in the required front yard.
6. All perimeter fencing must be of a neutral color, and cannot be chain link, whether with or without slats.
7. Enclosed semi-trailers may be used for storage provided they are properly licensed, operable, and not located in the required front yard. They may be located in the side or rear yard, provided that if such yard abuts a residential district, the semi-trailers must be located at least 20 feet from the respective property line and openings to the trailer shall not face the residential district.
8. All privately-owned improvements, including landscaping and screening, must be permanently maintained by the owner or other alternative approved by the City.
9. Fences must be installed, inspected, and maintained as provided in Lincoln Municipal Code and the Lincoln Design Standards.
10. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited.
11. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
12. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
13. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Newman.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR RIGHT-OF-WAY ACQUISITION, DESIGN, AND CONSTRUCTION ON SOUTH 98TH STREET TO OPEN ONE MILE OF NEW ROAD BETWEEN A STREET AND O STREET - PRIOR to reading:

MCROY Moved to amend Bill No. 03R-317 on page 1, beginning on line 3, delete the following words: "design, construction, and maintenance responsibilities".

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-82456 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County, outlining the right-of-way acquisition, ~~design,~~

~~construction, and maintenance responsibilities~~ for opening one mile of new road to be known as South 98th Street from A Street to O Street, upon the terms and conditions as set forth in said Agreement, a copy of which is attached hereto marked as Exhibit "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82460 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2004 was approved by the LES Administrative Board on October 17, 2003; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 3, 2003, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2004, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Glenn Friendt

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

Change of Zone 3419 - App. of Lynn Johnson, Parks and Recreation

Dept., for a change from R-3 to B-2 at 1501 West Van Dorn Street.

Change of Zone 3426 - App. of Albert L. Lambert for a change from H-1 to H-3 at 1101 West Bond St.



Change of Zone 3427 - App. of Lincoln Community Playhouse for a change of the LMC 27.69.090 Other Permitted Signs; Churches, Schools, and Community Playhouses.

Change of Zone 3428 - App. of Carol J. Brown for a text change to the Zoning Ordinance.

Change of Zone 3429 - App. of Krein Real Estate for a change from R-4 to R-T at Allen Road and Stephanie Lane.

Change of Zone 3430 - App. of Lincoln Crossings for a change of zone from B-2 & R-3 to B-5 at North 27<sup>th</sup> St. and Folkways Blvd.

Use Permit 57D - App. of Lincoln Crossings for an amendment to include land between North Hill Road and Folkways Blvd.

Use Permit 106A - App. of One Vista LLC/Talent+ for an amendment to Pre-existing Use Permit 106 on property at 60<sup>th</sup> St. & Pioneers Blvd.

Use Permit 133 - App. of Stockwell Properties, LLC to approve a Generic Use Permit for a retail/commercial center at Coddington Ave. & West Van Dorn St.

Use Permit 155 - App. of Krein Real Estate Inc for 10 single family units at Allen Road and Stephanie Lane.

Special Permit 1713B - App. of Krein Real Estate Inc. to remove the proposed 150 units that abut the enlarged outlot/open space at Allen Road & Stephanie Lane.

Special Permit 1826A - App. of Larry Schwarck and Blanche E. Schwarck to increase the dwelling units from 34 to 44 units at 56<sup>th</sup> and Linden St.

Special Permit 2042 - App. of Kwik Shop, Inc. to permit the sale of Alcoholic beverages for consumption off the premises at 2302 Cornhusker Highway.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF OCTOBER, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON November 3, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FROM OCTOBER 27 THRU OCTOBER 31, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82457 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the city Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

INVESTMENT OF FUNDS FROM November 3 thru November 7, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82458 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the city Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II TO BE HELD ON MONDAY, NOVEMBER 24, 2003, 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP II, BOARD OF EQUALIZATION MEETING TO BE HELD ON MONDAY, NOVEMBER 24, 2003, 10:00 A.M. - CLERK requested motion to approve.

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MCROY           So moved.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31,  
2003 - CLERK presented said report which was placed on file in the  
Office of the City Clerk. (5-21)

ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82459 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska, that:

The special taxes assessed October 27, 2003, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM TIME WARNER CABLE TO THE  
QUARTER ENDING SEPTEMBER 30, 2003 - CLERK presented said report which  
was placed on file in the Office of the City Clerk. **(41-2518A)**

REPORT FROM LINCOLN WATER & WASTEWATER SYSTEM OF THE RECAPITULATION OF DAILY CASH RECEIPTS FOR OCTOBER 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JULY - SEPT., 2003: ENHANCED COMM., ACCESSLINE, VOICESTREAM, ATMERICAN FARM BUREAU, OPEX, IDT, PNG; SEPT., 2003: AT&T COMM. OF MIDWEST, CRICKET, TOUCH AMERICA, MCLEOD USA, ONE CALL COMM., ACN, NETIFICE, BUYERS UNITED, GLOBAL CROSSING, ONSTAR, CIERA NETWORK, QUEST, BELL ATLANTIC, PRIMUS, VERIZON SELECT, TRANS NAT'L., VIRGIN MOBILE USA, NORSTAN NETWORK, INELLICALL OPERATOR, ALLTEL NEBRASKA, ALLTEL COMM., ALLTEL SYSTEMS OF THE MIDWEST, UNITED SYSTEMS ACCESS, COMTECH 21, QUANTUM SHIFT, GE BUSINESS PROD. SOLUTIONS, IBM GLOBAL, STAR NUMBER, WORKING ASSETS FUNDING, ALYON TECHN., T-NETIX TELECOM., TELIGENT SERVICES, VOICECOM, TRACFONE WIRELESS, XO LONG DISTANCE, WINSTAR - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1<sup>ST</sup> READING

CHANGE OF ZONE 3401 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH AND P STREETS. (IN CONNECTION W/03R-326) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

RENAMING OGDEN ROAD GENERALLY LOCATED NORTHEAST OFF OF SUPERIOR STREET AT N. 1ST STREET AND SUPERIOR STREET, AS CAMPERS CIRCLE - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Ogden Road to Campers Circle located northeast of Superior Street at N. 1<sup>st</sup> Street, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 2751A - AMENDING THE VAN DORN ACRES PLANNED UNIT DEVELOPMENT FOR 210 RESIDENTIAL UNITS AND 33,000 SQUARE FEET OF COMMERCIAL FLOOR AREA FOR USES ALLOWED IN THE B-1 LOCAL BUSINESS DISTRICT, INCLUDING THE ON AND OFF SALE OF ALCOHOL IN PORTIONS OF BUILDINGS 9 AND 10 THAT ARE

WITHIN 100' OF A RESIDENTIAL DISTRICT, PROVIDED THE ON-SALE ALCOHOL IS LIMITED TO BUSINESSES WHICH DERIVE MORE THAN 50% OF THEIR GROSS RECEIPTS FROM FOOD SALES, AND WAIVERS OF THE REQUIREMENTS TO ALLOW A PRIVATE SANITARY EJECTOR PUMP TO SERVE THE COMMERCIAL AREA, TO ELIMINATE PEDESTRIAN EASEMENT, TO ALLOW TANDEM PARKING IN THE REQUIRED PARKING, AND TO EXCEED THE MAXIMUM BUILDING HEIGHT FOR THE MULTI-FAMILY STRUCTURES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 84TH AND VAN DORN STREETS -CLERK read an ordinance, introduced by Annette McRoy, amending the Van Dorn Acres Planned Unit Development to increase the number of multi-family dwelling units from 96 to 210 dwelling units, to increase the commercial floor area uses allowed in the B-1 Local Business District from 10,000 square feet to 33,000 square feet, including the sale of alcohol for consumption on and off the premises in portions of buildings 9 and 10 that are within 100' of a residential district, provided the on-sale alcohol for consumption on the premises is limited to businesses which derive more than 50% of their gross receipts from food sales, and to waive prohibitions within the Land Subdivision Ordinance and Zoning Code to allow a private sanitary ejector pump to serve the commercial are, to allow tandem parking to meet the required parking, and to allow the maximum building height for the multi-family structures to exceed 35 feet, on property generally located at the southwest corner of 84<sup>th</sup> and Van Dorn Streets, the first time.

APPROVING A FIVE YEAR LEASE AGREEMENT BETWEEN B & J PARTNERSHIP LTD. AND THE CITY D/B/A LINCOLN FIRE & RESCUE FOR THE LEASE OF WAREHOUSE SPACE AT 2600 PARK BLVD.- PRIOR to reading:

COOK Moved to delay public hearing to 12/01/03.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between B & J Partnership, Ltd. and the City of Lincoln for a lease of approximately 12,500 square feet of space at 2600 Park Blvd., Lincoln, Lancaster County, Nebraska for a five-year term commencing October 1, 2003 and continuing until August 31, 2008 for use by the Lincoln Fire Department for the FEMA Urban Search and Rescue Task Force Program, the first time.

#### ORDINANCES - 3<sup>RD</sup> READING

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 468.49 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH FOLSOM STREET. (10/27/03 - ACTION DELAYED TO 11/17/03) (IN CONNECTION W/03R-314) - PRIOR to reading:

COOK Moved to delay action and to continue public hearing to 12/01/03.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE USAGE OF PERSONAL CONVENIENCE HOLIDAY HOURS TO BE THE SAME AS THE LABOR CONTRACTS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.370 of the Lincoln Municipal Code relating to authorized holidays to provide that eligible employees will be entitled to two noncumulative personal holidays each payroll fiscal year and that those holidays may be taken at any time during the payroll fiscal year with the prior approval of the appointing authority; and repealing Section 2.76.370 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18271**, is recorded in Ordinance Book 25, Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CREATING A NEW JOB TITLED HEALTH DATA & EVALUATION MANAGER - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18223 relating to the pay schedules of employees whose classification of "Health Data & Evaluation Manager", the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18272**, is recorded in Ordinance Book 25, Page

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AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY CREATING A NEW JOB TITLE RIGHT-OF-WAY SPECIALIST - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18217 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" to create the job classification of "Right-of-Way Specialist", the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18273**, is recorded in Ordinance Book 25, Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER C BY CREATING THE JOB CLASSIFICATIONS OF HOUSING REHABILITATION SPECIALIST II AND HOUSING REHABILITATION SPECIALIST, AND BY AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER A BY DELETING THE JOB CLASSIFICATIONS OF ENVIRONMENTAL ENGINEER I AND ENVIRONMENTAL ENGINEER II - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" to delete the job classifications of "Environmental Engineer I" and "Environmental Engineer II"; and amending Section 3 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" to change the job classification title "Housing Rehabilitation Specialist" to "Housing Rehabilitation Specialist I" and to create the job classification of "Housing Rehabilitation Specialist II", the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18274**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3422 - APPLICATION OF KAREN BROUWER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 33RD STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18275**, is recorded in Ordinance Book 25, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DYNAMIC EDUCATIONAL SYSTEMS INC. FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 11/3/03.) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and Dynamic Educational Systems, Inc. representing Job Corps for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of November 1, 2003 through October 31, 2004 whereby the City of Lincoln is subleasing space to Job Corps at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18276**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to November 24, 2003.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

COOK            Moved to approve the resolutions to have Public Hearing on  
November 24, 2003.  
                 Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ADJOURNMENT 3:42 A.M.**

COOK            Moved to adjourn the City Council meeting of November 17, 2003.  
                 Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
                 So ordered.

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Joan E. Ross, CMC, City Clerk

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Judy Roscoe, Senior Office Assistant

